

**ZACHARY RICHARDSON and
MATTHEW PARKER,**

Plaintiffs,

V.

**WHISKEY ROW NASHVILLE, LLC,
ROOKE, LLC, MILO COMPANIES, LLC,
MRM HOSPITALITY, LLC, JW BAR,
LLC, NOATOZ, LLC f/k/a RIOT
HOSPITALITY GROUP, LLC, RHG
VENTURES, LLC, RYAN HIBBERT,
MICHAEL TROYAN, AND JONATHAN
J. WRIGHT, d/b/a RIOT HOSPITALITY
GROUP d/b/a DIERKS BENTLEY'S
WHISKEY ROW NASHVILLE,**

Defendants.

CASE NO. 3:21-cv-00006

CHIEF JUDGE CRENSHAW

MAGISTRATE JUDGE NEWBERN

JURY DEMAND

JOINT MOTION TO CONSOLIDATE RELATED CASES

Plaintiffs and Defendants jointly move this Court, in accordance with Rule 42 of the Federal Rules of Civil Procedure, for an order consolidating this action with *Church et al. v. Whiskey Row Nashville, LLC*, 3:20-cv-00476 (M.D. Tenn.).

Pursuant to Federal Rule 42(a), this Court has broad discretion to “join for hearing or trial any or all matters at issue in the actions.” Here, the instant action and *Church* are related actions in which the plaintiffs in both cases are bringing nearly identical claims under the same causes of action. Plaintiffs in this action are represented by the same counsel as the *Church* Plaintiffs. The Defendants in this action are represented by the same counsel as the Defendant in *Church*. Because the claims at issue in these two matters are the same (or at least similar), these cases should be consolidated for “all matters at issue in the actions.” Fed. R. Civ. P. 42(a)(3).

Plaintiffs in the instant action and the *Church* Plaintiffs are all tipped employees who worked at the Whiskey Row restaurant and bar in Nashville, Tennessee and who allege that they are owed wages and other compensation under the Fair Labor Standards Act (“FLSA”). The *Church* Plaintiffs’ claims were compelled to arbitration pursuant to an arbitration agreement negotiated by the Parties and their counsel. (*Church* Doc. No. 39). The Parties in the instant action and the Parties in *Church* have reached an agreement to seek a Court order compelling the claims in this action to arbitration under same arbitration agreement this Court has already enforced in *Church*. Pursuant to this agreement, the Parties will seek such relief in the *Church* matter once these cases are consolidated.¹

For these reasons, this Court should consolidate these actions in accordance with Fed. R. Civ. P. 42(a)(3).

¹ If this Court declines to consolidate these cases, the Parties will work in good faith to effectuate their agreement. The Parties submit that consolidating these cases, and then compelling the Plaintiffs’ claims in both cases to the same arbitration agreement would be the most efficient course.

Dated: May 6, 2021

/s/ Christen C. Blackburn

CHRISTEN C. BLACKBURN

LEWIS, THOMASON, KING,

KRIEG & WALDROP, P.C.

424 Church Street, Suite 2500

P.O. Box 198615

Nashville, TN 37219

615.574.6732

615.259.1389 Fax

cblackburn@lewisthomason.com

KIMBERLY S. MOORE

CLARK HILL STRASBURGER

2600 Dallas Parkway

Suite 600

Frisco, TX 75034

469.287.3900

469.287.3999 Fax

ksmoore@clarkhill.com

Attorneys for Defendants

Respectfully submitted,

/s/ David W. Garrison

DAVID W. GARRISON (No. 24968)

JOSHUA A. FRANK (No. 33294)

BARRETT JOHNSTON MARTIN & GARRISON, LLC

Philips Plaza

414 Union Street, Suite 900

Nashville, TN 37219

Telephone: (615) 244-2202

Facsimile: (615) 252-3798

dgarrison@barrettjohnston.com

jfrank@barrettjohnston.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Joint Motion To Consolidate Related Cases* was filed electronically with the Clerk's office by using the CM/ECF system and served via the CM/ECF system on the following counsel for Defendants as listed below on May 6, 2021:

David W. Garrison
Joshua A. Frank
Barrett Johnston Martin & Garrison, LLC
Philips Plaza
414 Union Street, Suite 900
Nashville, Tennessee 37219
dgarrison@barrettjohnston.com
jfrank@barrettjohnston.com

Attorneys for Plaintiffs

/s/ Christen C. Blackburn _____
CHRISTEN C. BLACKBURN